IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 16315 of 1994

Between:

1. K.Mallayya, S/o. Somayya,
R/o. Thimmapuram(V), Bommalaramavaram(M),
Nalgonda Dist.
2. Ashok reddy, S/o. M.Narayana Reddy,
R/o. Thimmapuram(V), Bommalaramavaram(M),
Nalgonda Dist.
3. C.H.Manemma, W/o.Narasimha Reddy,
R/o. thimmapuram(V), Bommalaramavaram(M),
Nalgonda Dist.
4. K.Arunamma, W/o. Lakshma Reddy,
R/o. thimmapuram(V), Bommalaramavaram(M),
Nalgonda Dist.
5. K.Yadaiah, S/o. Mallaiah,
R/o. thimmapuram(V), Bommalaramavaram(M),
Nalgonda Dist.
6 J.B.Narsimha, S/o. Bhakshapathi,
R/o. thimmapuram(V), Bommalaramavaram(M),
Nalgonda Dist.

..... PETITIONER(S)

AND

1. Sub-Collector,Bhongir, Nalgonda District.
2. Mandal Revenue Officer, Bommalararamavara.
3. Ravinder Reddy, S/o. Pulla Reddy
Thimmapuram(V), Bommalararamavara(M),
Nalgonda Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of Writ of Mandamus declaring the action the respondents in Proceedings No.2/3582/94 dt.23.08.94 of the 1st respondents asking the 2nd respondent to take over the possession of their lands in Sy.No.57-1 acres 55 cents, Sy. No.59- l acre and 28 cents, Sy.No. 66-2 acres and 23 cents, Sy.No. 58-5 acres and 52 cents, Sy.No.56-12 acres and 76 cents Sy.No. 67-7 acres and 80 cents, Sy.No. 71-2 acres and 69 cents Sy.No.68-13 acres and 13 cents in Thimmapuram(V) Bommalaramavaram (M),Nalgonda Dist., as arbitrary, illegal and unjust and consequently set aside the same.

Counsel for the Petitioners: SMT.N.SHOBA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The present writ petition has been filed seeking Writ of Mandamus

questioning the action of the first respondent through his Proceedings No.2/3582/94, dated 23-08-1994 asking the second respondent to take over possession Ac.46-96 cents of land belonging to the petitioners, comprising in Sy.No. 57 Ac.1-55 cents, Sy.No.59 Ac.1-28 cents, Sy.No.66 Ac.2-23 cents, Sy.No.58 Ac.5-52 cents, Sy.No 56 Ac.12-76 cents, Sy.No.67 Ac.7-80 cents, Sy.No71 Ac.2-69 cents and Sy.No.68 Ac.13-13 cents in Thimmapuram (v) Bommalaramavaram Mandal, Nalgonda District, as arbitrary, illegal and unjust and set aside the same.

The petitioners claim that they purchased the lands in question from the third respondent in 1964 and since then they are in possession of the same by paying taxes and raising crops. While so, the first respondent has posted a notice stating that they are taking possession of these lands as the third respondent has chosen to surrender the excess lands, during the surrender proceedings, under the Land Ceiling Act and that the second respondent is taking steps to take over the possession and distribute the same to the beneficiaries. The third respondent did not choose to file objections stating that the lands are sold to them in 1964 and their occupation is proved by entries in the occupation column of pahani patrikas. It is alleged that the second respondent, without issuing any notice, forcibly tried to take possession of the lands in question. Hence, the present writ petition is filed apprehending issuance of notice of eviction by the second respondent.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

In the circumstances, without going into the merits of the case, it would suffice in the interest of justice to dispose of the writ petition with a direction to the respondents not to dispossess the petititioners without following due process of law, if the petitioners are still in possession of lands in question. No costs.

_____ 24-06-2004.

Lrkm/Dvs.

To

1. Sub-Collector,Bhongir, Nalgonda District.

2. The Mandal Revenue Officer, Bommalararamavaram,

Nalgonda District..

3. 2 CCs to GP for Revenue, High Court Bldgs., High Court of A.P.

Hyderabad. (O.U.T).

4. 2 CD copies.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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DT.24-06-2004.